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OFFICE OF PETITIONS

In re Application of :
Stephen William Edge, et. al. :
Application No. 09/971,990 : ON PETITION
Filed: October 4, 2001 :
Attorney Docket No. 2001P14495US :
:

This is a decision on the petition under 37 CFR 1.137(b), filed on December 26, 2006, to revive the above-identified application. The delay in responding is regretted.

The above application became abandoned for failure to file a proper reply to the final Office action mailed January 4, 2006.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

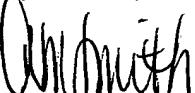
The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment and Request for Continued Examination (RCE) under 37 CFR 1.114 with the \$790 filing fee; (2) the petition fee of \$1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE.

The Office acknowledges receipt of \$1,020 for the three months extension of time filed on December 26, 2006. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,020 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 2614, for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions